

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 REV KASEY CARROLL,

Case No. 2:24-cv-02083-APG-NJK

4 Petitioner

**Order Directing
Petitioner to File An
Amended Habeas Petition**

5 v.

6 PATRICK BENNETT, *et al.*,

7 Respondents.

8 *Pro se* Petitioner Rev Kasey Carroll submitted both a civil rights complaint pursuant to
9 42 U.S.C. § 1983 and a writ of habeas corpus in this action. ECF Nos. 1-1, 8. Carroll was
10 instructed to file a notice indicating whether he wished to (1) pursue his § 1983 civil rights
11 complaint and strike his habeas petition, or (2) strike his § 1983 civil rights complaint and pursue
12 his habeas petition. ECF Nos. 17, 20. In response, Carroll filed a motion to pursue his habeas
13 petition. ECF No. 25. Accordingly, Carroll's § 1983 civil rights complaint shall be stricken.
14 However, because Carroll's habeas petition was handwritten and not filed in substantial
15 compliance with the Court's form, Carroll must file an amended petition on the Court's form.
16 Because it is unclear whether Carroll is seeking habeas relief under 28 U.S.C. § 2241 or 28
17 U.S.C. § 2254, I kindly instruct the Clerk of the Court to send Carroll both forms. Carroll is
18 advised to clearly title the Amended Petition as such and to place the case number, 2:24-cv-
19 02083-APG-NJK, in the designated space.

20 Carroll has also filed a one paragraph, handwritten application for leave to proceed *in*
21 *forma pauperis* and a formal application for leave to proceed *in forma pauperis*. ECF Nos. 14,
22 15. I deny the former motion and grant the latter motion.
23

1 I THEREFORE ORDER that on or before May 16, 2025, Petitioner Rev Kasey Carroll
2 must file an amended habeas petition under *either* 28 U.S.C. § 2241 *or* 28 U.S.C. § 2254.
3 Carroll's failure to timely comply with this Order will result in the dismissal of this action
4 without prejudice and without further advance notice.

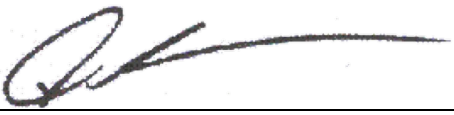
5 I FURTHER ORDER the Clerk of Court to kindly send Carroll (1) a blank copy of the
6 form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with instructions and (2) a
7 blank copy of the form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 with
8 instructions.

9 I FURTHER ORDER that the application for leave to proceed *in forma pauperis* [ECF
10 No. 14] is denied.

11 I FURTHER ORDER that the application for leave to proceed *in forma pauperis* [ECF
12 No. 15] is granted.

13 I FURTHER ORDER that the motion to pursue habeas relief [ECF No. 25] is granted.
14 The Clerk of Court is kindly directed to strike Carroll's § 1983 civil rights complaint [ECF No.
15 1-1].

16 DATED: March 24, 2025

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19 _____
20 ANDREW P. GORDON
21 CHIEF UNITED STATES DISTRICT JUDGE
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